

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

REGINALD C. HOWARD,  
#13891

Plaintiff,

vs.

BRIAN CONNETT, *et al.*,

Defendants.

Case No.: 2:11-cv-01402-KJD-GWF

**ORDER**

Motion to Compel (#31)

This matter comes before the Court on Plaintiff Reginald Howard's ("Plaintiff") Motion for Order Compelling Discovery (#31), filed on October 25, 2012. Defendants filed a Motion for Extension of Time to Respond (#35) on November 13, 2012, which the Court granted on November 15, 2012 (#37). Defendants filed a timely Opposition (#38) on November 27, 2012. Plaintiff filed a timely Reply (#41) on December 5, 2012.

Under Local Rule 26-7(b), discovery motions "will not be considered unless a statement of the movant is attached thereto" certifying that the parties have been unable to resolve the matter without court action. *See also* Fed. R. Civ. P. 37(a)(1). Under Local Rule 26-7(a), all motions to compel discovery "shall set forth in full the text of the discovery originally sought and the response thereto, if any." The Court finds, based on the moving papers, that Plaintiff neither attempted to meet and confer with Defendants before filing the instant Motion nor set forth the discovery sought. Furthermore, in its August 3, 2012 Scheduling Order (#21), the Court set the deadline for discovery motions for October 22, 2012. The Court advised the parties that any motion filed beyond the time limit shall be stricken, unless the Court grants an exception for good cause shown. *See* Doc. #21 at 2:4-5. Because Plaintiff filed the instant Motion on October 25, 2012, it is untimely. Defendants

1 represent that any outstanding interrogatory responses are forthcoming. Therefore, the Court finds  
2 Plaintiff does not establish good cause for an exception from the discovery motion deadline set  
3 forth in the Scheduling Order (#21). Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff Reginald Howard's Motion for Order  
5 Compelling Discovery (#31) be **denied**.

6 DATED this 12th day of December, 2012.

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9 GEORGE FOLEY, JR.  
United States Magistrate Judge